UNITED STATES PATENT AND TRADEMARK OFFICE

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Douglas R Hanscom
Jones Tullar & Cooper
P O Box 2266
Eads Station
Arlington, VA 22202

EXAMINER
PHAM, THIERRY L

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 December 2008*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *50-92* is/are pending in the application.

    4a) Of the above claim(s) *74-92* is/are withdrawn from consideration.

5) ☒ Claim(s) *51,52,57 and 63-71* is/are allowed.
6) ☒ Claim(s) *50,58-62,72 and 73* is/are rejected.
7) ☒ Claim(s) *53-56 and 66* is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

● This action is responsive to the following communication: Response to restriction requirement dated 12/11/2008.

● Claims 50-92 are currently pending; claims 1-49 have been canceled.

Election/Restrictions

Applicant's election of invention I (claims 50-73) in the reply filed on 12/11/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 50-73 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 73 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Limitations/features *"identifier space is freely configurable such that the identifier space specifically maps the projected installation using the data set"* as cited in claim 73 are unclear to the examiner. The examiner is unclear whether "identifier space" as cited in claim 73 is a memory space identifier or space identifier of a layout of a project installation. Clarification is herein required. As for the purpose of the prior art rejection, the examiner herein interprets that memory space can be freely configured to store project installation layout and its associated data sets.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 50, 58-62, 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dittmar et al (US 20040117399), and in view of Ziv (US 20040168150).

Regarding claim 50, Dittmar discloses a device (PC, par. 11) for controlling a printing press (printing press 11, fig. 1, par. 21), said printing press having at least one unit embodied as printing unit (press unit, fig. 3, par. 21) or as a group and at least one unit embodied for further processing (e.g. folding unit or cutting unit, fig. 3), said device comprising:

● a common control system (PC further includes a database 22, fig. 2) assigned to a plurality of said units (database 21 assigned to plurality of printing press units as shown in fig. 2), said control system having a central data memory (database 22 having memory for storing files containing process data sets, fig. 1-2, par. 18 & 29-30) with an identifier space (inherently, each memory device having has its own memory address or space), in which up-to-date actual values and/or up-to-date command variables (commands library 12, fig. 1, par. 29) are stored in the form of process variables (process variables such as set-up times, operating costs, and etc., par. 29); and

● wherein said data memory has a memory area for said process variables (process variables such as set-up times, operating costs, and etc. are stored in database 22, par. 29), each of said process variables having a data structure (e.g. icons/objects used to described floor plant project installation, fig. 1-2, pars. 8 & 28) that is designed with the use of a data set describing a projected installation (sample of project installation is shown in fig. 1) for said printing press, and said memory is a data server (database 22, fig. 2).

Dittmar fails to explicitly teach and/or suggest a printing press having at least one unit embodied as a material feeding unit. The examiner herein takes official notice that printing press having at least one unit embodied as a material feeding unit is well known and widely

implemented in the printing press. It would have been obvious to incorporate/include a feeding unit for a printing press so that print materials can be automatically fed to the system without having a user/operator to manually feed the materials so that costs associated with personnel can be reduced and to enhance the system performance.

Dittmar also fail to teach and/or suggest a data server that employs object management in accordance with an object model standard.

Ziv, in the same field of endeavor for data management, teaches an example of a data server (database 160, fig. 1) that employs object management in accordance with an object model standard (COM objects 130, fig. 1, par.12).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify database (e.g. data server) of Dittmar so it can employs object management in accordance with an object model standard as taught by Ziv because COM objects are able to provide access to forms, controls with the forms and menus within the database. COM objects also easy to implement and enable user to use the user interface to access data stored in a database (par. 11 of Ziv).

Therefore, it would have been obvious to combine Dittmar with Ziv to obtain the invention as specified in claim 50.

Regarding claim 58, Dittmar further teaches the device of claim 50, wherein basic settings (basic settings such as number of sheets to be printed, par. 29) of the process variables are implemented in the data memory via the data set.

Regarding claim 59, Dittmar further teaches the device of claim 50, further comprising a control console (process variables can be read and/or refreshed by using keyboard, par 11) from which the process variables in the data memory can be read and/or refreshed; and one or more control elements (control elements of the printing press such as idle times, utilization rate, and etc. is also taught in par. 11) for said printing press units, also from which the process variables in the data memory can be read/or refreshed.

Regarding claim 60, Ziv further teaches the device of claim 50, wherein said data memory is designed as a data server (database 150, fig. 1) with at least one open interface (COM objects 130 or API interface 120, fig. 1).

Regarding claims 61-62, Ziv further teaches the device of claim 50, wherein said data memory (database 150, fig. 1) is designed for supporting an inter-process communication (notes that both COM and DCOM as taught by Ziv are inter-process communication, as shown in fig. 1, database 160 can be communicate with database 150 via COM objects, wherein COM object are communicate with API 120) with an exchange of complex data structures (complex data structure is broadly interpreted as application object and/or objects such as DCOM, fig. 3 & 6, par. 13).

Regarding claim 72, Dittmar further teaches the device of claim 50, wherein said a program section (Enterprise Dynamics simulation program, 27) is provided in said data memory, by means of which set-up (set-up, par. 11) of the data structures for the process variables matched (checks with process data sets or machines types and which order data sets or printing jobs match, par. 13 & 15) to the project installation (sample of project installation as shown in fig. 1) is performed using the data in the data in the data set.

Regarding claim 73, Dittmar further teaches the device of claim 50, wherein said identifier space is freely configurable (database 22 also freely configurable to store simulation results, print jobs, and project layout as shown in fig. 1 as well, par 30) such that the identifier space specifically maps the projected installation using the data set.

Allowable Subject Matter

Claims 53-56, 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: Combination of Dittmar and Ziv fail to teach and/or suggest "*said data memory*

is connected with a plurality of control elements of several of said printing press unit by at least one communications layer embodied as a higher-order process or computing unit" as cited in claim 53.

Claims 51-52, 57, 63-71 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The cited prior arts (Dittmar and Ziv) fail to disclose "*at least one lower-order process unit to which said communication server is connected, each of which is designed to serve a network of a defined type; and at least one control element for one or more of said printing press units to which said at least one lower-order process units is connected*" as cited in claim 51.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIERRY L. PHAM whose telephone number is (571)272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thierry L Pham/

Examiner of Art Unit 2625